

Volume 1, Pages 1-46

Exhibit: 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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DAVID SETH WORMAN, et al.,
Plaintiffs,

vs.

CHARLES D. BAKER, in his official
capacity as Governor of the
Commonwealth of Massachusetts, et al.,
Defendants

* * * * *

Rule 30(b)(6) DEPOSITION OF EXECUTIVE OFFICE OF
PUBLIC SAFETY AND SECURITY (by Michaela Dunne) and

MICHAELA DUNNE, Individually
Wednesday, August 30, 2017, 1:06 p.m.
Campbell Campbell Edwards & Conroy
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Charlestown, Massachusetts 02129

----- Alan H. Brock, RDR, CRR-----

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I N D E X

EXAMINATIONS

MICHAELA DUNNE

MR. NARDONE

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EXHIBITS MARKED

1 Deposition notice

4

Exhibits returned to Attorney Nardone

1 Commonwealth. So it's simply stored in there for
2 access by law enforcement.

3 Q. So law enforcement has access to that
4 without going through you, necessarily?

5 A. Correct.

6 Q. When transaction data are sent to the
7 Firearms Records Bureau, is there any review that is
8 done when it is received to ensure either that it's
9 complete or that it's accurate or that it's a lawful
10 transfer, anything like that?

11 A. No.

12 Q. So it is literally just taken and put into
13 the database.

14 A. Correct.

15 Q. Does the Firearms Records Bureau or any
16 other part of the EOPSS routinely audit the records?

17 A. No.

18 Q. If a prosecuting or investigating agency
19 were to request it from you, would you do that?

20 A. Yes.

21 Q. Are you able to sort the data to determine
22 whether or not there are certain number of, say,
23 handguns?

24 A. Yes.

1 Q. Are you able to do that with respect to
2 assault weapons?

3 A. No.

4 Q. Why not?

5 A. The assault weapons -- so in Massachusetts
6 there are a certain number of assault weapons that
7 are enumerated in the statute. So by that
8 definition we would be able to look at the make and
9 model and presume that those are assault weapons
10 just by the fact that they're enumerated in the
11 statute. Any other firearm that could be considered
12 an assault weapon under the Federal assault weapons
13 definition we wouldn't be able to tell, because we'd
14 have to physically inspect the firearm.

15 Q. Okay. So it's fair to say that the records
16 that are kept by the Firearms Records Bureau slash
17 EOPSS wouldn't allow for a determination of the
18 number of assault weapons in Massachusetts.

19 A. Correct.

20 Q. Now, for when we have individual sales,
21 what data is transferred for that?

22 A. The same data is transmitted as it would be
23 for a gun shop, except the buyer and seller, it
24 would be all of their information -- so the name,

1 have that would be responsive to this question.

2 Q. If I could turn your attention to a copy of
3 the interrogatory responses, which are marked as
4 EOPSS No. 2, and if I could turn your attention to
5 Interrogatory Response No. 9. This interrogatory
6 states, "Identify any person or persons responsible
7 for reviewing, processing, approving, and/or
8 maintaining records of Massachusetts firearm
9 transfers, sales, and registrations, including, but
10 not limited to, transfers, sales, and registrations
11 of firearms occurring after the enactment of the
12 challenged laws but before the issuance of the
13 notice." After the objections that are listed the
14 response is that you would be the only individual
15 that reviews firearm transfers, sales, and
16 registrations to the extent they're in a database.

17 MR. PORTER: Objection. Could you read
18 the answer verbatim, please, rather than paraphrase
19 it?

20 Q. "The FRB through Ms. Dunne 'reviews'
21 firearm transfers, sales, and registrations only to
22 the extent that she maintains the database in which
23 these records are stored and retrieves records from
24 the database."

1 MR. PORTER: Could we have the sentence
2 before that, please.

3 Q. "The Secretary further states that no one
4 within EOPSS or the FRB processes or approves
5 firearm transfers, sales, and registrations."

6 Is it accurate that you were the
7 individual who reviews firearms transfers, sales,
8 and registrations?

9 A. I do not review them.

10 MR. PORTER: Could we note for the
11 record that the word "reviews" in the interrogatory
12 response on Page 15 is in quotation marks.

13 MR. NARDONE: That is fine. The word
14 "reviews" is there. I'm literally just reading your
15 response.

16 MR. PORTER: Yes. I just wanted to note
17 that.

18 Q. Does anyone review these records?

19 A. No.

20 Q. So you would say that answer is just not
21 accurate?

22 MR. PORTER: Objection. No, no, no.
23 Objection. I didn't hear that in her answer.

24 MR. NARDONE: She can answer. You don't

1 need to coach her.

2 MR. PORTER: I would just ask you to
3 read the whole thing.

4 THE WITNESS: Sure.

5 A. I would say that there is not any one
6 person who is actually responsible for reviewing,
7 processing, approving, or maintaining the records.
8 We maintain electronic databases, and we only see
9 the records if prompted.

10 So while I would be considered the
11 keeper of the records and the Firearms Records
12 Bureau by statute is the keeper of the records, we
13 don't have an active -- we don't have an active
14 review process, because everything is simply
15 maintained transactionally in a database.

16 Q. So no one is involved with actively
17 reviewing the --

18 A. Correct.

19 Q. If you could turn your attention to
20 Interrogatory No. 13. You might want to take a
21 moment to read it again.

22 A. Okay.

23 Q. The interrogatory states, "State the basis
24 for your assertion that Massachusetts did not